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treaty Indian ceremonial and subsistence fishing; and

(2) In waters in and off Alaska, all fishing other than commercial fishing and subsistence fishing.

Sport fishing guide services, for purposes of §§ 300.65 and 300.67, means assistance, for compensation, to a person who is sport fishing, to take or attempt to take fish by being on board a vessel with such person during any part of a charter vessel fishing trip. Sport fishing guide services do not include services provided by a crew member.

Subarea 2A-1 includes all U.S. waters off the coast of Washington that are north of 46°53'18" N. lat. and east of 125°44'00" W. long., and all inland marine waters of Washington.

Subsistence means, with respect to waters in and off Alaska, the non-commercial, long-term, customary and traditional use of halibut.

Subsistence halibut means halibut caught by a rural resident or a member of an Alaska Native tribe for direct personal or family consumption as food, sharing for personal or family consumption as food, or customary trade.

Subsistence halibut registration certificate (SHARC) means documentation, issued by NMFS, of the registration required at § 300.65(i).

Treaty Indian tribes means the Hoh, Jamestown S'Klallam, Lower Elwha S'Klallam, Lummi, Makah, Port Gamble S'Klallam, Quileute, Quinault, Skokomish, Suquamish, Swinomish, Tulalip, and Nooksack tribes.

Valid, with respect to a charter halibut permit for purposes of §§ 300.66 and 300.67, means the charter halibut permit that is currently in effect.

[61 FR 35550, July 5, 1996, as amended at 64 FR 52469, Sept. 29, 1999; 68 FR 18156, Apr. 15, 2003; 68 FR 47264, Aug. 8, 2003; 72 FR 30727, June 4, 2007; 72 FR 67669, Nov. 30, 2007; 73 FR 30523, May 28, 2008; 73 FR 52797, Sept. 11, 2008; 73 FR 54939, Sept. 24, 2008; 74 FR 11697, Mar. 19, 2009; 74 FR 21227, May 6, 2009; 74 FR 57109, Nov. 4, 2009; 75 FR 599, Jan. 5, 2010; 76 FR 6571, Feb. 7, 2011; 78 FR 75885, Dec. 12, 2013]

§ 300.62 Annual management measures.

Annual management measures may be added and modified through adoption by the Commission and publication in the FEDERAL REGISTER by the

Assistant Administrator, with immediate regulatory effect. Such measures may include, *inter alia*, provisions governing: Licensing of vessels, inseason actions, regulatory areas, fishing periods, closed periods, closed areas, catch limits (quotas), fishing period limits, size limits, careful release of halibut, vessel clearances, logs, receipt and possession of halibut, fishing gear, retention of tagged halibut, supervision of unloading and weighing, and sport fishing for halibut. The Assistant Administrator will publish the Commission's regulations setting forth annual management measures in the FEDERAL REGISTER by March 15 each year. Annual management measures may be adjusted inseason by the Commission.

§ 300.63 Catch sharing plan and domestic management measures in Area 2A.

(a) A catch sharing plan (CSP) may be developed by the Pacific Fishery Management Council and approved by NMFS for portions of the fishery. Any approved CSP may be obtained from the Administrator, Northwest Region, NMFS.

(b)(1) Each year, before January 1, NMFS will publish a proposal to govern the recreational fishery under the CSP for the following year and will seek public comment. The comment period will extend until after the Commission's annual meeting, so the public will have the opportunity to consider the final area 2A total allowable catch (TAC) before submitting comments. After the Commission's annual meeting and review of public comments, NMFS will publish in the FEDERAL REGISTER the final rule governing sport fishing in area 2A. Annual management measures may be adjusted inseason by NMFS.

(2) A portion of the commercial TAC is allocated as incidental catch in the salmon troll fishery in Area 2A. Each year the landing restrictions necessary to keep the fishery within its allocation will be recommended by the Pacific Fishery Management Council at its spring meetings, and will be published in the FEDERAL REGISTER along with the annual salmon management measures.

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(3) A portion of the Area 2A Washington recreational TAC is allocated as incidental catch in the sablefish primary fishery north of 46°53.30' N. lat. (Pt. Chehalis, Washington), which is regulated under 50 CFR 660.231. This fishing opportunity is only available in years in which the Area 2A TAC is greater than 900,000 lb (408.2 mt), provided that a minimum of 10,000 lb (4.5 mt) is available above a Washington recreational TAC of 214,100 lb (97.1 mt). Each year that this harvest is available, the landing restrictions necessary to keep this fishery within its allocation will be recommended by the Pacific Fishery Management Council at its spring meetings, and will be published in the *FEDERAL REGISTER*. These restrictions will be designed to ensure the halibut harvest is incidental to the sablefish harvest and will be based on the amounts of halibut and sablefish available to this fishery, and other pertinent factors. The restrictions may include catch or landing ratios, landing limits, or other means to control the rate of halibut landings.

(i) In years when this incidental harvest of halibut in the sablefish primary fishery north of 46°53.30' N. lat. is allowed, it is allowed only for vessels using longline gear that are registered to groundfish limited entry permits with sablefish endorsements and that possess the appropriate incidental halibut harvest license issued by the Commission.

(ii) It is unlawful for any person to possess, land or purchase halibut south of 46°53.30' N. lat. that were taken and retained as incidental catch authorized by this section in the sablefish primary fishery.

(4) The commercial longline fishery in area 2A is governed by the annual management measures published pursuant to §§ 300.62 and 300.63.

(5) The treaty Indian fishery is governed by § 300.64 and tribal regulations. The annual quota for the fishery will be announced with the Commission regulations under § 300.62

(c) *Flexible Inseason Management Provisions for Sport Halibut Fisheries in Area 2A.* (1) The Regional Administrator, NMFS Northwest Region, after consultation with the Chairman of the Pacific Fishery Management Council, the

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Commission Executive Director, and the Fisheries Director(s) of the affected state(s), or their designees, is authorized to modify regulations during the season after making the following determinations:

(i) The action is necessary to allow allocation objectives to be met.

(ii) The action will not result in exceeding the catch limit for the area.

(iii) If any of the sport fishery subareas north of Cape Falcon, Oregon are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to another Washington sport subarea.

(iv) If any of the sport fishery subareas south of Leadbetter Point, Washington, are not projected to utilize their respective quotas by their season ending dates, NMFS may take inseason action to transfer any projected unused quota to another Oregon sport subarea.

(2) Flexible inseason management provisions include, but are not limited to, the following:

(i) Modification of sport fishing periods;

(ii) Modification of sport fishing bag limits;

(iii) Modification of sport fishing size limits;

(iv) Modification of sport fishing days per calendar week; and

(v) Modification of subarea quotas.

(3) *Notice procedures.* (i) Actions taken under this section will be published in the *FEDERAL REGISTER*.

(ii) Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, at 206-526-6667 or 800-662-9825 (May through October) and by U.S. Coast Guard broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 kHz at frequent intervals. The announcements designate the channel or frequency over which the notice to mariners will be immediately broadcast. Since provisions of these regulations may be altered by inseason actions, sport fishers should monitor either the telephone hotline or U.S. Coast Guard broadcasts for current information for the area in which they are fishing.

(4) *Effective dates.* (i) Any action issued under this section is effective on

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the date specified in the publication or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later.

(ii) If time allows, NMFS will invite public comment prior to the effective date of any inseason action filed with the FEDERAL REGISTER. If the Regional Administrator determines, for good cause, that an inseason action must be filed without affording a prior opportunity for public comment, public comments will be received for a period of 15 days after publication of the action in the FEDERAL REGISTER.

(iii) Any inseason action issued under this section will remain in effect until the stated expiration date or until rescinded, modified, or superseded. However, no inseason action has any effect beyond the end of the calendar year in which it is issued.

(5) *Availability of data.* The Regional Administrator will compile, in aggregate form, all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the Northwest Regional Office, NMFS, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, Washington.

(d) *Fishery Election in Area 2A.* (1) A vessel that fishes in Area 2A may participate in only one of the following three fisheries in Area 2A:

(i) The sport fishery under section 26 of the annual domestic management measures and IPHC regulations;

(ii) The commercial directed fishery for halibut during the fishing period(s) established in section 8 of the annual domestic management measures and IPHC regulations and/or the incidental retention of halibut during the sablefish primary fishery described at 50 CFR 660.231; or

(iii) The incidental catch fishery during the salmon troll fishery as authorized in section 8 of the annual domestic management measures and IPHC regulations.

(2) No person shall fish for halibut in the sport fishery in Area 2A under section 24 of the annual domestic management measures and IPHC regulations from a vessel that has been used during the same calendar year for commercial halibut fishing in Area 2A or that has

been issued a permit for the same calendar year for the commercial halibut fishery in Area 2A.

(3) No person shall fish for halibut in the directed commercial halibut fishery during the fishing periods established in section 8 of the annual domestic management measures and IPHC regulations and/or retain halibut incidentally taken in the sablefish primary fishery in Area 2A from a vessel that has been used during the same calendar year for the incidental catch fishery during the salmon troll fishery as authorized in Section 8 of the annual domestic management measures and IPHC regulations.

(4) No person shall fish for halibut in the directed commercial halibut fishery and/or retain halibut incidentally taken in the sablefish primary fishery in Area 2A from a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A or that is licensed for the sport charter halibut fishery in Area 2A.

(5) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under section 8 of the annual domestic management measures and IPHC regulations taken on a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A, or that is licensed for the sport charter halibut fishery in Area 2A.

(6) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under section 8 of the annual domestic management measures and IPHC regulations taken on a vessel that, during the same calendar year, has been used in the directed commercial halibut fishery during the fishing periods established in Section 8 of the annual domestic management measures and IPHC regulations and/or retained halibut incidentally taken in the sablefish primary fishery for Area 2A or that is licensed to participate in these commercial fisheries during the fishing periods established in Section 8 of the annual domestic management measures and IPHC regulations in Area 2A.

(e) *Area 2A Non-Treaty Commercial Fishery Closed Areas.* (1) Non-treaty commercial vessels operating in the directed commercial fishery for halibut

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in Area 2A are required to fish outside of a closed area, known as the Rockfish Conservation Area (RCA), that extends along the coast from the U.S./Canada border south to 40°10' N. lat. Between the U.S./Canada border and 46°16' N. lat., the eastern boundary of the RCA, is the shoreline. Between 46°16' N. lat. and 49°00' N. lat., the RCA is defined along an eastern boundary by a line approximating the 30-fm (55-m) depth contour. Coordinates for the 30-fm (55-m) boundary are listed at 50 CFR 660.71(e). Between 43°00' N. lat. and 42°00' N. lat., the RCA is defined along an eastern boundary by a line approximating the 20-fm (37-m) depth contour. Coordinates for the 20-fm (37-m) boundary are listed at 50 CFR 660.71(b). Between 42°00' N. lat. and 40°10' N. lat., the RCA is defined along an eastern boundary by the 20-fm (37-m) depth contour. Between the U.S./Canada border and 40°10' N. lat., the RCA is defined along a western boundary approximating the 100-fm (183-m) depth contour. Coordinates for the 100-fm (183-m) boundary are listed at 50 CFR 660.73(a).

(2) Non-treaty commercial vessels operating in the incidental catch fishery during the sablefish primary fishery north of Pt. Chehalis, Washington, in Area 2A are required to fish outside of a closed area. Under Pacific Coast groundfish regulations at 50 CFR 660.230, fishing with limited entry fixed gear is prohibited within the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA). It is unlawful to take and retain, possess, or land halibut taken with limited entry fixed gear within the North Coast Commercial YRCA. The North Coast Commercial YRCA is an area off the northern Washington coast, overlapping the northern part of the North Coast Recreational YRCA, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the North Coast Commercial YRCA are specified in groundfish regulations at 50 CFR 660.70(b).

(3) Non-treaty commercial vessels operating in the incidental catch fishery during the salmon troll fishery in Area 2A are required to fish outside of a closed area. Under the Pacific Coast groundfish regulations at 50 CFR

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660.330(10), fishing with salmon troll gear is prohibited within the Salmon Troll YRCA. It is unlawful for commercial salmon troll vessels to take and retain, possess or land fish within the Salmon Troll YRCA. The Salmon Troll YRCA is an area off the northern Washington coast and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Salmon Troll YRCA are specified in groundfish regulations at 50 CFR 660.70(c), and in salmon regulations at 50 CFR 660.405.

(f) The 30-fm (55-m) depth contour between the U.S. border with Canada and 40°10.00' N. lat. is defined by straight lines connecting all of the following points in the order stated:

- (1) 48°24.79' N. lat., 124°44.07' W. long.;
- (2) 48°24.80' N. lat., 124°44.74' W. long.;
- (3) 48°23.94' N. lat., 124°44.70' W. long.;
- (4) 48°23.51' N. lat., 124°45.01' W. long.;
- (5) 48°22.59' N. lat., 124°44.97' W. long.;
- (6) 48°21.75' N. lat., 124°45.26' W. long.;
- (7) 48°21.23' N. lat., 124°47.78' W. long.;
- (8) 48°20.32' N. lat., 124°49.53' W. long.;
- (9) 48°16.72' N. lat., 124°51.58' W. long.;
- (10) 48°10.00' N. lat., 124°52.58' W. long.;
- (11) 48°05.63' N. lat., 124°52.91' W. long.;
- (12) 47°53.37' N. lat., 124°47.37' W. long.;
- (13) 47°40.28' N. lat., 124°40.07' W. long.;
- (14) 47°31.70' N. lat., 124°37.03' W. long.;
- (15) 47°25.67' N. lat., 124°34.79' W. long.;
- (16) 47°12.82' N. lat., 124°29.12' W. long.;
- (17) 46°52.94' N. lat., 124°22.58' W. long.;
- (18) 46°44.18' N. lat., 124°18.00' W. long.;
- (19) 46°38.17' N. lat., 124°15.88' W. long.;
- (20) 46°29.53' N. lat., 124°15.89' W. long.;
- (21) 46°19.27' N. lat., 124°14.15' W. long.;
- (22) 46°16.00' N. lat., 124°13.04' W. long.;
- (23) 46°07.00' N. lat., 124°07.01' W. long.;
- (24) 45°55.95' N. lat., 124°02.23' W. long.;
- (25) 45°54.53' N. lat., 124°02.57' W. long.;
- (26) 45°50.65' N. lat., 124°01.62' W. long.;
- (27) 45°48.20' N. lat., 124°02.16' W. long.;
- (28) 45°46.00' N. lat., 124°01.86' W. long.;
- (29) 45°43.46' N. lat., 124°01.28' W. long.;
- (30) 45°40.48' N. lat., 124°01.03' W. long.;
- (31) 45°39.04' N. lat., 124°01.68' W. long.;
- (32) 45°35.48' N. lat., 124°01.90' W. long.;
- (33) 45°29.81' N. lat., 124°02.45' W. long.;
- (34) 45°27.97' N. lat., 124°01.90' W. long.;
- (35) 45°27.22' N. lat., 124°02.66' W. long.;
- (36) 45°24.20' N. lat., 124°02.94' W. long.;
- (37) 45°20.60' N. lat., 124°01.74' W. long.;
- (38) 45°20.25' N. lat., 124°01.85' W. long.;
- (39) 45°16.44' N. lat., 124°03.22' W. long.;
- (40) 45°13.63' N. lat., 124°02.69' W. long.;
- (41) 45°11.05' N. lat., 124°03.59' W. long.;

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- (42) $45^{\circ}08.55'$ N. lat., $124^{\circ}03.47'$ W. long.;
(43) $45^{\circ}03.82'$ N. lat., $124^{\circ}04.43'$ W. long.;
(44) $45^{\circ}02.81'$ N. lat., $124^{\circ}04.64'$ W. long.;
(45) $44^{\circ}58.06'$ N. lat., $124^{\circ}05.03'$ W. long.;
(46) $44^{\circ}53.97'$ N. lat., $124^{\circ}06.92'$ W. long.;
(47) $44^{\circ}48.89'$ N. lat., $124^{\circ}07.04'$ W. long.;
(48) $44^{\circ}46.94'$ N. lat., $124^{\circ}08.25'$ W. long.;
(49) $44^{\circ}42.72'$ N. lat., $124^{\circ}08.98'$ W. long.;
(50) $44^{\circ}38.16'$ N. lat., $124^{\circ}11.48'$ W. long.;
(51) $44^{\circ}33.38'$ N. lat., $124^{\circ}11.54'$ W. long.;
(52) $44^{\circ}28.51'$ N. lat., $124^{\circ}12.04'$ W. long.;
(53) $44^{\circ}27.65'$ N. lat., $124^{\circ}12.56'$ W. long.;
(54) $44^{\circ}19.67'$ N. lat., $124^{\circ}12.37'$ W. long.;
(55) $44^{\circ}10.79'$ N. lat., $124^{\circ}12.22'$ W. long.;
(56) $44^{\circ}09.22'$ N. lat., $124^{\circ}12.28'$ W. long.;
(57) $44^{\circ}08.30'$ N. lat., $124^{\circ}12.30'$ W. long.;
(58) $44^{\circ}00.22'$ N. lat., $124^{\circ}12.80'$ W. long.;
(59) $43^{\circ}51.56'$ N. lat., $124^{\circ}13.18'$ W. long.;
(60) $43^{\circ}44.26'$ N. lat., $124^{\circ}14.50'$ W. long.;
(61) $43^{\circ}33.82'$ N. lat., $124^{\circ}16.28'$ W. long.;
(62) $43^{\circ}28.66'$ N. lat., $124^{\circ}18.72'$ W. long.;
(63) $43^{\circ}23.12'$ N. lat., $124^{\circ}24.04'$ W. long.;
(64) $43^{\circ}20.83'$ N. lat., $124^{\circ}25.67'$ W. long.;
(65) $43^{\circ}20.48'$ N. lat., $124^{\circ}25.90'$ W. long.;
(66) $43^{\circ}16.41'$ N. lat., $124^{\circ}27.52'$ W. long.;
(67) $43^{\circ}14.23'$ N. lat., $124^{\circ}29.28'$ W. long.;
(68) $43^{\circ}14.03'$ N. lat., $124^{\circ}28.31'$ W. long.;
(69) $43^{\circ}11.92'$ N. lat., $124^{\circ}28.26'$ W. long.;
(70) $43^{\circ}11.02'$ N. lat., $124^{\circ}29.11'$ W. long.;
(71) $43^{\circ}10.13'$ N. lat., $124^{\circ}29.15'$ W. long.;
(72) $43^{\circ}09.26'$ N. lat., $124^{\circ}31.03'$ W. long.;
(73) $43^{\circ}07.73'$ N. lat., $124^{\circ}30.92'$ W. long.;
(74) $43^{\circ}05.93'$ N. lat., $124^{\circ}29.64'$ W. long.;
(75) $43^{\circ}01.59'$ N. lat., $124^{\circ}30.64'$ W. long.;
(76) $42^{\circ}59.72'$ N. lat., $124^{\circ}31.16'$ W. long.;
(77) $42^{\circ}53.75'$ N. lat., $124^{\circ}36.09'$ W. long.;
(78) $42^{\circ}50.00'$ N. lat., $124^{\circ}36.41'$ W. long.;
(79) $42^{\circ}50.00'$ N. lat., $124^{\circ}38.39'$ W. long.;
(80) $42^{\circ}49.37'$ N. lat., $124^{\circ}38.81'$ W. long.;
(81) $42^{\circ}46.42'$ N. lat., $124^{\circ}37.69'$ W. long.;
(82) $42^{\circ}46.07'$ N. lat., $124^{\circ}38.56'$ W. long.;
(83) $42^{\circ}45.29'$ N. lat., $124^{\circ}37.95'$ W. long.;
(84) $42^{\circ}45.61'$ N. lat., $124^{\circ}36.87'$ W. long.;
(85) $42^{\circ}44.27'$ N. lat., $124^{\circ}33.64'$ W. long.;
(86) $42^{\circ}42.75'$ N. lat., $124^{\circ}31.84'$ W. long.;
(87) $42^{\circ}40.50'$ N. lat., $124^{\circ}29.67'$ W. long.;
(88) $42^{\circ}40.04'$ N. lat., $124^{\circ}29.20'$ W. long.;
(89) $42^{\circ}38.09'$ N. lat., $124^{\circ}28.39'$ W. long.;
(90) $42^{\circ}36.73'$ N. lat., $124^{\circ}27.54'$ W. long.;
(91) $42^{\circ}36.56'$ N. lat., $124^{\circ}28.40'$ W. long.;
(92) $42^{\circ}35.77'$ N. lat., $124^{\circ}28.79'$ W. long.;
(93) $42^{\circ}34.03'$ N. lat., $124^{\circ}29.98'$ W. long.;
(94) $42^{\circ}34.19'$ N. lat., $124^{\circ}30.58'$ W. long.;
(95) $42^{\circ}31.27'$ N. lat., $124^{\circ}32.24'$ W. long.;
(96) $42^{\circ}27.07'$ N. lat., $124^{\circ}32.53'$ W. long.;
(97) $42^{\circ}24.21'$ N. lat., $124^{\circ}31.23'$ W. long.;
(98) $42^{\circ}20.47'$ N. lat., $124^{\circ}28.87'$ W. long.;
(99) $42^{\circ}14.60'$ N. lat., $124^{\circ}26.80'$ W. long.;
(100) $42^{\circ}13.67'$ N. lat., $124^{\circ}26.25'$ W. long.;
- (101) $42^{\circ}10.90'$ N. lat., $124^{\circ}24.56'$ W. long.;
(102) $42^{\circ}07.04'$ N. lat., $124^{\circ}23.35'$ W. long.;
(103) $42^{\circ}02.16'$ N. lat., $124^{\circ}22.59'$ W. long.;
(104) $42^{\circ}00.00'$ N. lat., $124^{\circ}21.81'$ W. long.;
(105) $41^{\circ}55.75'$ N. lat., $124^{\circ}20.72'$ W. long.;
(106) $41^{\circ}50.93'$ N. lat., $124^{\circ}23.76'$ W. long.;
(107) $41^{\circ}42.53'$ N. lat., $124^{\circ}16.47'$ W. long.;
(108) $41^{\circ}37.20'$ N. lat., $124^{\circ}17.05'$ W. long.;
(109) $41^{\circ}24.58'$ N. lat., $124^{\circ}10.51'$ W. long.;
(110) $41^{\circ}20.73'$ N. lat., $124^{\circ}11.73'$ W. long.;
(111) $41^{\circ}17.59'$ N. lat., $124^{\circ}10.66'$ W. long.;
(112) $41^{\circ}04.54'$ N. lat., $124^{\circ}14.47'$ W. long.;
(113) $40^{\circ}54.26'$ N. lat., $124^{\circ}13.90'$ W. long.;
(114) $40^{\circ}40.31'$ N. lat., $124^{\circ}26.24'$ W. long.;
(115) $40^{\circ}34.00'$ N. lat., $124^{\circ}27.39'$ W. long.;
(116) $40^{\circ}30.00'$ N. lat., $124^{\circ}31.32'$ W. long.;
(117) $40^{\circ}28.89'$ N. lat., $124^{\circ}32.43'$ W. long.;
(118) $40^{\circ}24.77'$ N. lat., $124^{\circ}29.51'$ W. long.;
(119) $40^{\circ}22.47'$ N. lat., $124^{\circ}24.12'$ W. long.;
(120) $40^{\circ}19.73'$ N. lat., $124^{\circ}23.59'$ W. long.;
(121) $40^{\circ}18.64'$ N. lat., $124^{\circ}21.89'$ W. long.;
(122) $40^{\circ}17.67'$ N. lat., $124^{\circ}23.07'$ W. long.;
(123) $40^{\circ}15.58'$ N. lat., $124^{\circ}23.61'$ W. long.;
(124) $40^{\circ}13.42'$ N. lat., $124^{\circ}22.94'$ W. long.;
(125) $40^{\circ}10.00'$ N. lat., $124^{\circ}16.65'$ W. long.
- (g) The 100-fm (183-m) depth contour used between the U.S. border with Canada and $40^{\circ}10.00'$ N. lat. is defined by straight lines connecting all of the following points in the order stated:
- (1) $48^{\circ}15.00'$ N. lat., $125^{\circ}41.00'$ W. long.;
 - (2) $48^{\circ}14.00'$ N. lat., $125^{\circ}36.00'$ W. long.;
 - (3) $48^{\circ}09.50'$ N. lat., $125^{\circ}40.50'$ W. long.;
 - (4) $48^{\circ}08.00'$ N. lat., $125^{\circ}38.00'$ W. long.;

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- (5) 48°05.00' N. lat., 125°37.25' W. long.;
(6) 48°02.60' N. lat., 125°34.70' W. long.;
(7) 47°59.00' N. lat., 125°34.00' W. long.;
(8) 47°57.26' N. lat., 125°29.82' W. long.;
(9) 47°59.87' N. lat., 125°25.81' W. long.;
(10) 48°01.80' N. lat., 125°24.53' W. long.;
(11) 48°02.08' N. lat., 125°22.98' W. long.;
(12) 48°02.97' N. lat., 125°22.89' W. long.;
(13) 48°04.47' N. lat., 125°21.75' W. long.;
(14) 48°06.11' N. lat., 125°19.33' W. long.;
(15) 48°07.95' N. lat., 125°18.55' W. long.;
(16) 48°09.00' N. lat., 125°18.00' W. long.;
(17) 48°11.31' N. lat., 125°17.55' W. long.;
(18) 48°14.60' N. lat., 125°13.46' W. long.;
(19) 48°16.67' N. lat., 125°14.34' W. long.;
(20) 48°18.73' N. lat., 125°14.41' W. long.;
(21) 48°19.67' N. lat., 125°13.70' W. long.;
(22) 48°19.70' N. lat., 125°11.13' W. long.;
(23) 48°22.95' N. lat., 125°10.79' W. long.;
(24) 48°21.61' N. lat., 125°02.54' W. long.;
(25) 48°23.00' N. lat., 124°49.34' W. long.;
(26) 48°17.00' N. lat., 124°56.50' W. long.;
(27) 48°06.00' N. lat., 125°00.00' W. long.;
(28) 48°04.62' N. lat., 125°01.73' W. long.;
(29) 48°04.84' N. lat., 125°04.03' W. long.;
(30) 48°06.41' N. lat., 125°06.51' W. long.;
(31) 48°06.00' N. lat., 125°08.00' W. long.;
(32) 48°07.08' N. lat., 125°09.34' W. long.;
(33) 48°07.28' N. lat., 125°11.14' W. long.;
(34) 48°03.45' N. lat., 125°16.66' W. long.;
(35) 48°02.35' N. lat., 125°17.30' W. long.;
(36) 48°02.35' N. lat., 125°18.07' W. long.;
(37) 48°00.00' N. lat., 125°19.30' W. long.;
(38) 47°59.50' N. lat., 125°18.88' W. long.;
(39) 47°58.68' N. lat., 125°16.19' W. long.;
(40) 47°56.62' N. lat., 125°13.50' W. long.;
(41) 47°53.71' N. lat., 125°11.96' W. long.;
(42) 47°51.70' N. lat., 125°09.38' W. long.;
(43) 47°49.95' N. lat., 125°06.07' W. long.;
(44) 47°49.00' N. lat., 125°03.00' W. long.;
(45) 47°46.95' N. lat., 125°04.00' W. long.;
(46) 47°46.58' N. lat., 125°03.15' W. long.;
(47) 47°44.07' N. lat., 125°04.28' W. long.;
(48) 47°43.32' N. lat., 125°04.41' W. long.;
(49) 47°40.95' N. lat., 125°04.14' W. long.;
(50) 47°39.58' N. lat., 125°04.97' W. long.;
(51) 47°36.23' N. lat., 125°02.77' W. long.;
(52) 47°34.28' N. lat., 124°58.66' W. long.;
(53) 47°32.17' N. lat., 124°57.77' W. long.;
(54) 47°30.27' N. lat., 124°56.16' W. long.;
(55) 47°30.60' N. lat., 124°54.80' W. long.;
(56) 47°29.26' N. lat., 124°52.21' W. long.;
(57) 47°28.21' N. lat., 124°50.65' W. long.;
(58) 47°27.38' N. lat., 124°49.34' W. long.;
(59) 47°25.61' N. lat., 124°48.26' W. long.;
(60) 47°23.54' N. lat., 124°46.42' W. long.;
(61) 47°20.64' N. lat., 124°45.91' W. long.;
(62) 47°17.99' N. lat., 124°45.59' W. long.;
(63) 47°18.20' N. lat., 124°49.12' W. long.;
(64) 47°15.01' N. lat., 124°51.09' W. long.;
(65) 47°12.61' N. lat., 124°54.89' W. long.;
(66) 47°08.22' N. lat., 124°56.53' W. long.;
(67) 47°08.50' N. lat., 124°57.74' W. long.;
(68) 47°01.92' N. lat., 124°54.95' W. long.;
(69) 47°01.08' N. lat., 124°59.22' W. long.;
(70) 46°58.48' N. lat., 124°57.81' W. long.;
(71) 46°56.79' N. lat., 124°56.03' W. long.;
(72) 46°58.01' N. lat., 124°55.09' W. long.;
(73) 46°55.07' N. lat., 124°54.14' W. long.;
(74) 46°59.60' N. lat., 124°49.79' W. long.;
(75) 46°58.72' N. lat., 124°48.78' W. long.;
(76) 46°54.45' N. lat., 124°48.36' W. long.;
(77) 46°53.99' N. lat., 124°49.95' W. long.;
(78) 46°54.38' N. lat., 124°52.73' W. long.;
(79) 46°52.38' N. lat., 124°52.02' W. long.;
(80) 46°48.93' N. lat., 124°49.17' W. long.;
(81) 46°41.50' N. lat., 124°43.00' W. long.;
(82) 46°34.50' N. lat., 124°28.50' W. long.;
(83) 46°29.00' N. lat., 124°30.00' W. long.;
(84) 46°20.00' N. lat., 124°36.50' W. long.;
(85) 46°18.40' N. lat., 124°37.70' W. long.;
(86) 46°18.03' N. lat., 124°35.46' W. long.;
(87) 46°17.00' N. lat., 124°22.50' W. long.;
(88) 46°16.00' N. lat., 124°20.62' W. long.;
(89) 46°13.52' N. lat., 124°25.49' W. long.;
(90) 46°12.17' N. lat., 124°30.74' W. long.;
(91) 46°10.63' N. lat., 124°37.96' W. long.;
(92) 46°09.29' N. lat., 124°39.01' W. long.;
(93) 46°02.40' N. lat., 124°40.37' W. long.;
(94) 45°56.45' N. lat., 124°38.00' W. long.;
(95) 45°51.92' N. lat., 124°38.50' W. long.;
(96) 45°47.20' N. lat., 124°35.58' W. long.;
(97) 45°46.40' N. lat., 124°32.36' W. long.;
(98) 45°46.00' N. lat., 124°32.10' W. long.;
(99) 45°41.75' N. lat., 124°28.12' W. long.;
(100) 45°36.95' N. lat., 124°24.47' W. long.;
(101) 45°31.84' N. lat., 124°22.04' W. long.;
(102) 45°27.10' N. lat., 124°21.74' W. long.;
(103) 45°20.25' N. lat., 124°18.54' W. long.;
(104) 45°18.14' N. lat., 124°17.59' W. long.;
(105) 45°11.08' N. lat., 124°16.97' W. long.;
(106) 45°04.39' N. lat., 124°18.35' W. long.;
(107) 45°03.83' N. lat., 124°18.60' W. long.;
(108) 44°58.05' N. lat., 124°21.58' W. long.;
(109) 44°47.67' N. lat., 124°31.41' W. long.;
(110) 44°44.54' N. lat., 124°33.58' W. long.;
(111) 44°39.88' N. lat., 124°35.00' W. long.;

Int'l. Fishing and Related Activities**§ 300.63**

- (112) 44°32.90' N. lat., 124°36.81' W.
long.;
(113) 44°30.34' N. lat., 124°38.56' W.
long.;
(114) 44°30.04' N. lat., 124°42.31' W.
long.;
(115) 44°26.84' N. lat., 124°44.91' W.
long.;
(116) 44°17.99' N. lat., 124°51.04' W.
long.;
(117) 44°12.92' N. lat., 124°56.28' W.
long.;
(118) 44°00.14' N. lat., 124°55.25' W.
long.;
(119) 43°57.68' N. lat., 124°55.48' W.
long.;
(120) 43°56.66' N. lat., 124°55.45' W.
long.;
(121) 43°56.47' N. lat., 124°34.61' W.
long.;
(122) 43°42.73' N. lat., 124°32.41' W.
long.;
(123) 43°30.92' N. lat., 124°34.43' W.
long.;
(124) 43°20.83' N. lat., 124°39.39' W.
long.;
(125) 43°17.45' N. lat., 124°41.16' W.
long.;
(126) 43°07.04' N. lat., 124°41.25' W.
long.;
(127) 43°03.45' N. lat., 124°44.36' W.
long.;
(128) 43°03.91' N. lat., 124°50.81' W.
long.;
(129) 42°55.70' N. lat., 124°52.79' W.
long.;
(130) 42°54.12' N. lat., 124°47.36' W.
long.;
(131) 42°50.00' N. lat., 124°45.33' W.
long.;
(132) 42°44.00' N. lat., 124°42.38' W.
long.;
(133) 42°40.50' N. lat., 124°41.71' W.
long.;
(134) 42°38.23' N. lat., 124°41.25' W.
long.;
(135) 42°33.02' N. lat., 124°42.38' W.
long.;
(136) 42°31.90' N. lat., 124°42.04' W.
long.;
(137) 42°30.08' N. lat., 124°42.67' W.
long.;
(138) 42°28.28' N. lat., 124°47.08' W.
long.;
(139) 42°25.22' N. lat., 124°43.51' W.
long.;
(140) 42°19.23' N. lat., 124°37.91' W.
long.; and
- (141) 42°16.29' N. lat., 124°36.11' W.
long.;
(142) 42°13.67' N. lat., 124°35.81' W.
long.;
(143) 42°05.66' N. lat., 124°34.92' W.
long.;
(144) 42°00.00' N. lat., 124°35.27' W.
long.;
(145) 41°47.04' N. lat., 124°27.64' W.
long.;
(146) 41°32.92' N. lat., 124°28.79' W.
long.;
(147) 41°24.17' N. lat., 124°28.46' W.
long.;
(148) 41°10.12' N. lat., 124°20.50' W.
long.;
(149) 40°51.41' N. lat., 124°24.38' W.
long.;
(150) 40°43.71' N. lat., 124°29.89' W.
long.;
(151) 40°40.14' N. lat., 124°30.90' W.
long.;
(152) 40°37.35' N. lat., 124°29.05' W.
long.;
(153) 40°34.76' N. lat., 124°29.82' W.
long.;
(154) 40°36.78' N. lat., 124°37.06' W.
long.;
(155) 40°32.44' N. lat., 124°39.58' W.
long.;
(156) 40°30.00' N. lat., 124°38.13' W.
long.;
(157) 40°24.82' N. lat., 124°35.12' W.
long.;
(158) 40°23.30' N. lat., 124°31.60' W.
long.;
(159) 40°23.52' N. lat., 124°28.78' W.
long.;
(160) 40°22.43' N. lat., 124°25.00' W.
long.;
(161) 40°21.72' N. lat., 124°24.94' W.
long.;
(162) 40°21.87' N. lat., 124°27.96' W.
long.;
(163) 40°21.40' N. lat., 124°28.74' W.
long.;
(164) 40°19.68' N. lat., 124°28.49' W.
long.;
(165) 40°17.73' N. lat., 124°25.43' W.
long.;
(166) 40°18.37' N. lat., 124°23.35' W.
long.;
(167) 40°15.75' N. lat., 124°26.05' W.
long.;
(168) 40°16.75' N. lat., 124°33.71' W.
long.;
(169) 40°16.29' N. lat., 124°34.36' W.
long.; and

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(170) $40^{\circ}10.00' N.$ lat., $124^{\circ}21.12' W.$ long.

[61 FR 35550, July 5, 1996]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 300.63, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 300.64 Fishing by U.S. treaty Indian tribes.

(a) Halibut fishing in subarea 2A-1 by members of U.S. treaty Indian tribes located in the State of Washington is governed by this section.

(b) Commercial fishing for halibut by treaty Indians is permitted only in sub-area 2A-1 with hook-and-line gear in conformance with the season and quota established annually by the Commission.

(c) Commercial fishing periods and management measures to implement paragraph (b) of this section will be established by treaty Indian tribal regulations.

(d) Commercial fishing for halibut by treaty Indians shall comply with the Commission's management measures governing size limits, careful release of halibut, logs, receipt and possession, and fishing gear (published pursuant to § 300.62), except that the 72-hour fishing restriction preceding the opening of a

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halibut fishing period shall not apply to treaty Indian fishing.

(e) Ceremonial and subsistence fishing for halibut by treaty Indians in subarea 2A-1 is permitted with hook-and-line gear from January 1 to December 31.

(f) No size or bag limits shall apply to the ceremonial and subsistence fishery, except that when commercial halibut fishing is prohibited pursuant to paragraph (b) of this section, treaty Indians may take and retain not more than two halibut per person per day.

(g) Halibut taken for ceremonial and subsistence purposes shall not be offered for sale or sold.

(h) Any member of a U.S. treaty Indian tribe who is engaged in commercial or ceremonial and subsistence fishing under this section must have on his or her person a valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, and must comply with the treaty Indian vessel and gear identification requirements of Final Decision No. 1 and subsequent orders in *United States v. Washington* 384 F. Supp. 312 (W.D. Wash., 1974).

(i) The following table sets forth the fishing areas of each of the 12 treaty Indian tribes fishing pursuant to this section. Within subarea 2A-1, boundaries of a tribe's fishing area may be revised as ordered by a Federal Court.

Tribe	Boundaries
HOH	Between $47^{\circ}54'18'' N.$ lat. (Quillayute River) and $47^{\circ}21'00'' N.$ lat. (Quinault River), and east of $125^{\circ}44'00'' W.$ long.
JAMESTOWN S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1486, to be places at which the Jamestown S'Klallam Tribe may fish under rights secured by treaties with the United States.
LOWER ELWHA S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049 and 1066 and 626 F. Supp. 1443, to be places at which the Lower Elwha S'Klallam Tribe may fish under rights secured by treaties with the United States.
LUMMI	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 384 F. Supp. 360, as modified in Subproceeding No. 89-08 (W.D. Wash., February 13, 1990) (decision and order re: cross-motions for summary judgement), to be places at which the Lummi Tribe may fish under rights secured by treaties with the United States.
MAKAH	North of $48^{\circ}02'15'' N.$ lat. (Norwegian Memorial), west of $123^{\circ}42'30'' W.$ long., and east of $125^{\circ}44'00'' W.$ long.
NOOKSACK	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash. 1974), and particularly at 459 F. Supp. 1049, to be places at which the Nooksack Tribe may fish under rights secured by treaties with the United States.